

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 21816 of 2007(V)

PETITIONER:

P. SMITHA, W/O. P. SUDHEER,
AGED 27 YEARS, FORMER HIGH SCHOOL ASSISTANT,
SANTHA HIGHER SECONDARY SCHOOL (RESIDING AT
GOVINDA NIVAS, KURUMAL-VELUR, THRISSUR DISTRICT).

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
TRIVANDRUM.
2. THE DIRECTOR OF PUBLIC INSTRUCTION,
JAGATHY, TRIVANDRUM-14.
3. THE DEPUTY DIRECTOR OF EDUCATION,
AYYANTHOLE, THRISSUR DISTRICT.
4. THE DISTRICT EDUCATIONAL OFFICER,
THRISSUR.
5. THE MANAGER,
SANTHA HIGHER SECONDARY SCHOOL, AVANOOR,
THRISSUR DISTRICT.

BY GOVERNMENT PLEADER SRI.A.J.VARGHSE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.21816 OF 2007

Dated this the 18th day of July, 2007

JUDGMENT

Petitioner is a former High School Assistant who had worked in the school under the management of respondent no.5 for a short period from January 22, 2004 till July 14, 2004. Ext.P7 relieving order issued by the Head of the Institution shows that petitioner was relieved with effect from July 14, 2004. The controlling officer and the appellate authority declined the request of the manager to approve the appointment. The said order was challenged before the Director of Public Instruction who by Ext.P10 order confirmed the order passed by the authorities concerned.

2. The contention of the petitioner is that the stand taken by the departmental authorities that B.Ed. degree obtained by the petitioner is not a requisite qualification to hold the post of HSA cannot be sustained. Anyhow, her present grievance is that she has not been paid salary for the period she worked.

3. It is brought to my notice that as per the staff fixation order one post of HSA was reduced in the school during the academic year 2004-05. Consequently, petitioner was relieved from her duties on July 14, 2004. It is in the above context, petitioner has submitted the said request which was turned down by the authorities as mentioned earlier.

4. I do not propose to deal with the above issue any further, in view of the limited prayer made by the learned counsel for the petitioner at the Bar. He submits that petitioner has preferred Ext.P14 revision petition against the orders of the lower authorities before respondent no.1. The limited prayer is to issue a direction to respondent no.1 to take a decision on Ext.P14 expeditiously.

5. In the above facts and circumstances, writ petition is disposed of with a direction to respondent no.1 to consider and pass orders on Ext.P14 strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within four months from the date of receipt of a copy of this judgment. Needless to mention, the petitioner and the

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manager of the school shall be afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioner shall produce a copy of the writ petition along with a certified copy of the judgment before respondent no.1 for compliance.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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